



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/612,396

07/02/2003

Daniel W. Mauney

1033-T00142-C2

3179

60533

7590

11/16/2006

TOLER SCHAFFER, LLP
5000 PLAZA ON THE LAKES
SUITE 265
AUSTIN, TX 78746

EXAMINER

DOAN, KIET M

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/612,396	MAUNEY ET AL.	
	Examiner	Art Unit	
	Kiet Doan	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/02/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is response to Remarks file on 08/23/2006.

Response to Arguments

Applicant's arguments with respect to Schiffer and Jonsson are not prior art have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-4,12, 21, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Mandelbaum (Patent No. 5,541,583).

Consider **claims 1, 12, 21 and 28**. Mandelbaum teaches a proximal wireless communication device comprising:

a memory including a plurality of entries identifying a set of wireless network devices, each entry of the plurality of entries associated with a wireless network device of the set of wireless network devices and including a unique device identification number (C3, L10-35 teach the interrogator No.10 as smart card wherein contain memory including a plurality of entries identifying such as SITE 11 through SITE11n);
and

wireless communication circuitry configured to transmit a find signal to determine whether the wireless network device associated with a selected entry of the plurality of entries is within range to establish a handset-to-handset communication (Abstract, C2, L10-30, C3, L10-21, C4, L8-34 teach the interrogator No.10 which contain memory and communicated with plurality wireless smart card when come within range wherein the a unique identification number associated wit each smart card, Fig.1 Illustrate and describe as within range to establish a handset-to-handset communication).

Consider **claims 2**. Mandelbaum teaches the proximal wireless communication device of claim 1, wherein the wireless communication circuitry is configured to receive a response signal indicating that the wireless network device associated with the selected entry including is within range to establish a handset-to-handset communication (C2, L8-15, Fig.1 Illustrate and describe as within range to establish a handset-to-handset communication).

Consider **claim 3**. Mandelbaum teaches the proximal wireless communication device of claim 2, wherein the memory further includes a record indicating a found status associated with a unique device identification number included in the response signal (C3, L36-49 teach host No.17 as read on memory which contain the record and response signal).

Consider **claim 4**. Mandelbaum teaches the proximal wireless communication device of claim 1, wherein the wireless communication circuitry is configured to transmit a list of the set of wireless network devices to the particular wireless network device associated with the selected entry (C4, L8-20 teach plurality of RF channels wherein the interrogator communicates with smart card means as list of the set of wireless network devices to the particular wireless network device associated with the selected entry).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-11, 13-20, 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandelbaum (Patent No. 5,541,583) in view of Emery et al. (Patent No. 6,011,975).

Consider **claim 5**. Mandelbaum teaches the limitation of claim as discuss above **but silent on** the proximal wireless communication device of claim 1, wherein the wireless communication circuitry is configured to issue a page message including the unique identification number associated with the selected entry.

In an analogous art, Emery teaches "Method of personal communications service using wireline/wireless integration detecting a predetermined event during process of a call". Further, **Emery teaches** the proximal wireless communication device of claim 1,

Art Unit: 2617

wherein the wireless communication circuitry is configured to issue a page message including the unique identification number associated with the selected entry (C8, L2-18, L40-45, C13, L30-67, C14, L1-27 teach centralized call processing control which routing/paging which read on page message including the unique identification number associated with the selected entry).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Mandelbaum and Emery system, such that the wireless communication circuitry is configured to issue a page message to provide means for the users have variety of identification number associated to select entry.

Consider **claims 6, 14, 24**. Emery teaches the proximal wireless communication device of claim 5, wherein the wireless communication circuitry is configured to receive a page response including the unique identification number associated with the selected entry; and wherein the wireless communication circuitry is configured to establish a voice communication transmission associated with the unique identification number (C8, L20-39, C10, L4-23 teach terminals can be any communication device such handset/telephone which inherently establish a voice transmission associated with the unique identification number).

Consider **claim 7**. Emery teaches the proximal wireless communication device of claim 5, wherein the wireless communication circuitry is configured to issue a page

Art Unit: 2617

message including a second unique identification number associated with a second selected entry in the plurality of entries (C16, L30-67, C17, L1-13)

Consider **claim 8**. Emery teaches the proximal wireless communication device of claim 7, wherein the wireless communication circuitry is configured to receive a page response including the second unique identification number associated with the second selected entry; and wherein the wireless communication circuitry is configured to establish a voice communication transmission associated with the second unique identification number (C8, L20-39, C10, L4-23, C16, L30-65, C17, L1-13).

Consider **claims 9 and 18**. Emery teaches the proximal wireless communication device of claim 1, wherein at least one of the plurality of entries is manually entered by a user (C17, L19-35).

Consider **claims 10, 11, 13**. Mandelbaum teaches the proximal wireless communication device of claim 1, wherein at least one of the plurality of entries is acquired via a link to a computational device (C7, L35-67 teach interrogator communicated with smart card in wireless wherein link with CPU No.430 as read on computational device).

Consider **claims 15 and 25**. Mandelbaum teaches the method of claim 13, wherein the communication comprises a short range message communication (C2, L10-

Art Unit: 2617

13 teach communication within range which means as short range message communication).

Consider **claim 16**. Emery teaches the method of claim 13, wherein the communication comprises a list of identified wireless communication devices (C17, L10-18, C19, L17-40 teach HLR which contain list of identified wireless communication devices).

Consider **claims 17 and 26**. Emery teaches the method of claim 16, wherein the list of identified wireless communication devices is incorporated into the plurality of entries (C20-L15-57).

Consider **claims 19 and 27**. Emery teaches the method of claim 12, wherein the response message is received on a registry channel (C19, L3-67).

Consider **claim 20**. Emery teaches the method of claim 12, wherein the plurality of authorized wireless communication devices are authorized by a service provider for direct wireless communication (C8, L1-40 teach telephone central switching system and wireless mobility controller which read on plurality of authorized wireless communication devices).

Consider **claim 22**. Emery teaches the method of claim 21, further comprising:
providing notification of the call request (C18, L10-13).

Consider **claim 23**. Emery teaches The method of claim 21, further comprising:
negotiating a direct connection channel with the second wireless communication device;
and initiating a communication with the second wireless communication device over the
direct connection channel (C16, L2-55).

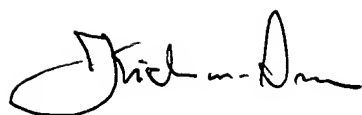
Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Kiet Doan whose telephone number is 571-272-7863.
The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kiet Doan
Patent Examiner


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER